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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,548	01/18/2001	Christopher A. Rygaard	1010722.991103	6480
26181	7590	02/23/2005	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402			D AGOSTA, STEPHEN M	
		ART UNIT		PAPER NUMBER
		2683		

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/764,548	RYGAARD, CHRISTOPHER A.	
<b>Examiner</b>		<b>Art Unit</b>	
Stephen M. D'Agosta		2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 22-28 is/are allowed.
- 6) Claim(s) 29-33 and 35-40 is/are rejected.
- 7) Claim(s) 34 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Response to Arguments***

1. After reviewing the new claims, the examiner believes claims 22-28 to be allowable since the applicant has rewritten the claims with considerable more detail especially with regard to the inter-workings of the jumping process and multiple modules utilized.

2. The examiner has rejected independent claims 29 and 36 since they are broadly written and do not recite the same level of detail as claim 22. (see below).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 29-33 and 35-40** rejected under 35 U.S.C. 102(a) as being anticipated by Jansen et al. NIST Special Publication 800-19 – Mobile Agent Security (hereafter Jansen).

As per **claims 29 and 36**, Jansen teaches a method (eg. mobile application (MA) security system (title and section 3.2, bottom paragraph on page 9)), including:

storing, prior to jump (page 2, 2<sup>nd</sup> paragraph teaches MA hopping from peer to peer, see Figure 1 also), a first content data associated with a mobile application;

receiving second content data associated with the mobile application prior to instantiation of the mobile application at a receiving host AND detecting unwanted changes in contents of the mobile application during comparing the first and second

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content data (**a.** Section 3.2, page 9, 1<sup>st</sup> paragraph teaches protecting against modification of code, ie. comparing the original to the one received AND section 4.2.2 Mutual Itinerary Recording teaches tracking and comparing the Itinerary list as it traverses the peers – Since Jansen discloses both central and distributed CSEN's (see claim 1 above), this reads on using one stored copy for comparison purposes. Further to this point are the lists/tables, bottom list on page 14 and top list on page19, which disclose many possible countermeasure means – one skilled in the art would provide for a one-to-one code compare at a minimum, **b.** page 13-14, Protecting the Agent Platform, teaches a “reference monitor” that cannot be bypassed AND pages 18-19, teach central or distributed architecture, **c.** page 5, section 2.2.4, Unauthorized Access teaches “modifying the agent's data or code” AND section 2.3.4, Alteration and pages 18-19, Protecting Agents section, 3rd paragraph, **d.** page 21, Section 4.2.2, Mutual Itinerary Recording teaches tracking of an agent's itinerary).

As per **claims 30 and 37**, Jansen teaches the method claim 29/36, further including preventing instantiation of the mobile application on the receiving host responsive to detecting unwanted changes (page 3, Denial of Service section 2.1.2, teaches “malicious code” being introduced by an outside person or by an internal test engineer, etc. AND page 19, top paragraph teaches IBM Aglets prevent receiving platform from accepting agents from an agent platform not defined as a trusted peer).

As per **claims 31-33 and 38-40**, Jansen teaches claim 29/36, wherein receiving includes receiving the second content data associated with the mobile application, responsive to the mobile application jumping from an untrusted host to the receiving host, storing the first content data responsive to creating the mobile application, providing a copy of the mobile application responsive to detecting unwanted changes (page 3, Denial of Service section 2.1.2, teaches “malicious code” being introduced by an outside person or by an internal test engineer, etc. AND page 19, top paragraph teaches IBM Aglets prevent receiving platform from accepting agents from an agent platform not defined as a trusted peer – the examiner notes that Jansen's ability to store

and compare software code means that he has/stores “trusted code” to compare against, hence if modified code is received, he will discard it and send the trusted code. Also see Section 3.2, page 9, 1<sup>st</sup> paragraph teaches protecting against modification of code, ie. comparing the original to the one received AND section 4.2.2 Mutual Itinerary Recording teaches tracking and comparing the Itinerary list as it traverses the peers).

As per **claim 35**, Jansen teaches the method of claim 29, wherein the first and second content are related to one from the group containing codes state, and itinerary (see page 17, section 4.1.4, State Appraisal section and page 21, section 4.2.2, Mutual Itinerary Recording and Itinerary Recording with Replication/Voting sections).

#### ***Allowable Subject Matter***

1. **Claims 22-28** allowed since they contain considerable more detail especially with regard to the inter-workings of the jumping process and multiple modules utilized.
2. **Claim 34** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This claim teaches a highly detailed design not found in the prior art of record.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
2-16-05

